

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

- v - :

13 Cr. 761 (VM)

YUDONG ZHU, :

Defendant. :

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STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
SOUTHERN DISTRICT OF NEW YORK)

ANTHONY CARNA, pursuant to Title 28, United States Code, Section 1746, hereby
declares under penalty of perjury:

1. I am Director, Sponsored Programs Administration, at New York University School of Medicine (“NYUSoM”). I have been employed in my current position at NYUSoM since 2010. In my capacity as Director, Sponsored Programs Administration, I am responsible for, among other things, the review, submission, negotiation, authorization, and management for research grants and contracts that NYUSoM enters into with external funding sources, including the National Institutes of Health (“NIH”), the National Science Foundation, the Department of Defense, and other federal and non-federal sponsors, and for certain post-award services for those grant proposals that are funded.

2. During any given year, NYUSoM applies for and receives numerous research grants from government agencies and private funding sources. These include research grants

given by the NIH, which is part of the Department of Health and Human Services, the primary agency of the United States government responsible for biomedical and health-related research.

3. All NIH grants that NYUSoM faculty-scientists wish to pursue to support research at NYUSoM are submitted by NYUSoM and, if awarded, received by NYUSoM. “New York University School of Medicine” is listed as the applicant on each application submission. The faculty-scientist who will be responsible for conducting the particular research proposal is listed as the principal investigator or program director. Hence, it is NYUSoM, and not the principal investigator, that receives the award of the grant funds.

4. When grant funds are awarded by the NIH, a unique account is established by the NIH to allow for the reimbursements of research costs. This unique account is controlled by NYUSoM. NYUSoM then allows project expenses against a grant-specific internal account to be incurred by the grant’s principal investigator. The project expenses are to be spent in accordance with the budget devised by the principal investigator and previously approved by NYUSoM and the NIH, and in accordance with the NIH’s rules covering spending on NIH grants. Subject to these requirements and NYUSoM’s policies, the principal investigator typically has a large degree of control over how the grant funds are budgeted and spent on a particular research project. The grant funds, however, remain the property of NYUSoM, and any equipment that is purchased with grant funds belongs to NYUSoM.

5. In March 2010, NYUSoM applied for and received an NIH grant on behalf of Dr. Yudong Zhu, an Assistant Professor in the Department of Radiology. On the grant application,

New York University School of Medicine is listed as the applicant, and Dr. Zhu is listed as the principal investigator.

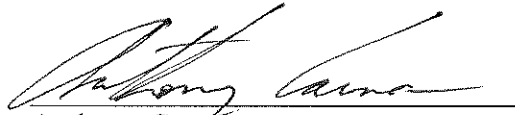
a. A true and correct copy of the March 2010 NIH grant application is attached as Exhibit A.

6. Under the terms of the NIH grant, NYUSoM was to receive a total of nearly \$3,000,000, in regular increments, over the time period from February 2011 through January 2015. NYUSoM received customary annual awards of grant funds from NIH during this time period. Each award of grant funds was accompanied by a Notice of Award from NIH, which stated that the grant funds were being awarded to "New York University School of Medicine." The funds from each of these awards were made available by NIH into a unique account controlled by NYUSoM to reimburse for expenditures related to Dr. Zhu's project to be spent according to the pre-approved budget for his grant project.

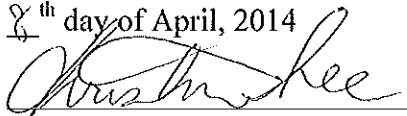
a. True and correct copies of the Notices of Award from January 2011, February 2012, and January 2013 are attached as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 8, 2014


Anthony Carria
Director, Sponsored Programs Administration
New York University School of Medicine

Sworn to before me this
8th day of April, 2014


Notary Public

CHRISTINE LEE
Notary Public, State of New York
No. 01LE6170521
Qualified in New York County
Commission Expires July 9, 2015